

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**IN RE: WAL-MART WAGE AND HOUR
EMPLOYMENT PRACTICES
LITIGATION**

MDL 1735

**Docket No. 2:06-CV-00225-PMP-PAL
(BASE FILE)**

**THIS DOCUMENT RELATES TO ALL
CASES EXCEPT KING v.
WAL-MART STORES, INC., CASE NO.
07-1486-WY**

**PLAINTIFFS' MOTION TO REQUIRE OBJECTORS GAONA, SWIFT, ANDREWS AND
MADDOX AND THEIR ATTORNEYS TO POST APPEAL BONDS, AND SEEKING ANY
OTHER APPROPRIATE RELIEF TO PROTECT THE CLASS**

1 **TO ALL PARTIES, TO OBJECTORS GAONA, SWIFT, ANDREWS AND MADDOX, AND**
2 **THEIR ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE THAT,** Co-Lead Class Counsel Carolyn Beasley Burton hereby
4 moves the Court to hold a hearing on a date to be set by the Court to determine the amount of an appeal
5 bond to be posted by Objectors Gaona, Swift, Andrews and Maddox and their attorneys. This motion
6 will be heard in Courtroom 7C of the United States District Court for the District of Nevada – Las
7 Vegas, located at 333 Las Vegas Blvd. South, Las Vegas, Nevada. Plaintiffs in the cases that have been
8 consolidated in MDL 1735, with the exception of *King v. Wal-Mart Stores, et al.*, Case No. 07-1486-
9 WY, will and hereby do move this Court to require Objectors Gaona, Swift, Andrews and Maddox and
10 their attorneys to post a bond of \$715,000, or \$990,000 if the Court allows for attorneys' fees
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13 This Motion is brought pursuant to Fed. R. App. Proc. Rules 7 and 39 on the grounds that: (1)
14 the objections made by Objectors Gaona, Swift, Andrews and Maddox were meritless and were
15 overruled by the Court at the Final Approval Hearing on October 19, 2009; (2) the attorneys
16 representing Objectors Gaona, Swift, Andrews and Maddox are "professional objectors" who have a
17 long record of extorting payment from class counsel by filing frivolous appeals in order to delay the
18 funding of class action settlements; (3) the appeals filed by Objectors Gaona, Swift, Andrews and
19 Maddox are not supported by law or facts and, indeed, are contrary to the applicable law and facts in
20 this case; and (4) the Court's Order of November 2, 2009 states that in the event these Objectors appeal
21 the Final Approval Order, the Court will promptly conduct a hearing to determine the need for each
22 appellant to post a bond under Fed. R. App. Proc. 7. (Docket No. 491, ¶ 4.) Accordingly, Plaintiffs
23 request that the Court schedule a hearing date and dates for any response to this Motion by Objectors
24 and any reply by Plaintiffs.
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1 This Motion is based upon the accompanying Memorandum; and the accompanying declarations
2 of the project manager for the Claims Administrator, Rust Consulting, Inc., Amanda J. Myette; and
3 Plaintiffs' Co-Lead Counsel, Carolyn Beasley Burton.
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5 Dated: December 17, 2009

6 Respectfully submitted,

7 /s/ Carolyn Beasley Burton

8 Carolyn Beasley Burton

9 THE MILLS LAW FIRM

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